SIKKIM

EXTRAORDINARY

Gangtok | Monday 2nd April, 2007 | No.457

HOME DEPARTMENT
GOVERNMENT OF SIKKIM

No: 108/Home/2006 **Dated: 28/12/006**

NOTIFICATION

In compliance to the Order of the Hon'ble Supreme Court of India in WP(Civil) No.310 of 1996 in the matter of Prakash Singh and Ors. Vs. Union of India & Ors., and as per suggestions contained in the Model Police Act, 2006 drafted by the Soli Sorabjee Committee and forwarded by the Ministry of Home Affairs (Govt. of India) vide letter No. 25019/15/2005-PM-II dated 03.11.2006, the State Government is hereby pleased to constitute a Police complaints Authority at the State consisting of the following members, namely:-

1. Retired Judge of the High Court/Supreme Court as Chairperson.
2. One member who is a retired civil servant with adequate experience at the higher leveis of public administration.
3. One member who is a retired police officer with adequate experience at the higher levels of police administration.
4. One member with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law.
5. A member who is a person of repute and standing from the civil society.

Provided that atleast one member of the Police Complaints Authority shall be a women.

II. The said Police Complaints Authority shall come into effect form 1st January, 2007.

III. The Chairperson of the Authority shall be appointed out of a panel of three retired Judges of the High Court/Supreme Court received from the Hon'ble Chief Justice of the High Court of Sikkim. Members of the Authority, other than the Chairperson, shall be appointed on the recommendations of the Selection Panel notified by the State Government for the purpose.

IV. The Chairperson and other members shall be appointed for a period of three years and their terms and conditions of office shall be as notified by the State Government from time to time.

V. The State Level Police Complaints Authority shall look into complaints against police officers of the rank of Superintendent of Police and above and would take cognizance of only allegations of serious misconduct, which would include incidents involving death, grievous hurt, or rape in police custody.

VI. In view of the small size of the State of Sikkim and the low volume of such complaints, the above Police Complaints Authority shall also function as the District Level police Complaints Authority for all the four districts of the State and shall look into complaints against police officers of and upto the rank of Deputy Superintendent of Police and, in addition to incidents involving death, grievous hurt or rape in police custody, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority against such officers.

VII. The Chairman and the Members of the Police Complaints Authority would work whole time for the Authority and for conduct of field enquiries they may utilize the services of retired investigators form the CID, Intelligence, Vigilance, or any other organization.

VIII. The recommendations of the Complaints Authority for any action, department or criminal, against a delinquent police officer shall be binding on the concerned authority. Provided that the Authority, before finalizing its opinion in all such cases shall give the Director General of Police an opportunity to present the department's view and additional facts, if any, not already in the notice of the Authority. Provided further that, in such cases, the Authority may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case. The Authority may also recommend to the State Government payment of monetary compensation by the Government to the victims of the subject matter of such enquiry.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

T.T DORJI, IAS
ADDITIONAL CHIEF SECRETARY
F.NO.GOS/HOME-II/2006/13

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